

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**RYAN LAMBERT,
an individual,**

PLAINTIFF,

v.

**OASIS VENTURES LLC,
an individual,**

DEFENDANT.

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Case No. 6:22-cv-400

**OPPOSED MOTION TO STRIKE DEFENDANT’S MOTION TO DISMISS, INsofar
AS IT RECITES, MENTIONS AND/OR REFERENCES DETAILS OF
CONFIDENTIAL SETTLEMENT OFFERS AND NEGOTIATIONS**

Comes now the Plaintiff, Ryan Lambert, by and through counsel of record, and moves this Honorable Court pursuant to Federal Rule of Evidence 408 to strike Defendant’s Motion to Dismiss insfar as it recites, mentions, and/or references details of confidential settlement offers and negotiations.

Rule 408 of the Federal Rules of Evidence states in part:

(a) **Prohibited Uses.** Evidence of the following is not admissible — on behalf of any party — either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

(1) furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim

Defendant’s attorney has violated Federal Rule of Evidence 408 by publishing the exact dollar amount of Ryan Lambert’s initial settlement offer in his pre-suit letter and also by referring to it as “demanding (an) unconscionable sum” in the first paragraph of “Defendant’s Motion to

Dismiss Plaintiff's Amended Complaint" right after he said that Ryan Lambert doesn't have any "true claims of discrimination." Further personal attacks can be found in his statements "dubious petitions by this attorney", "vexatious lawsuit", "reprehensible", "entrepreneurial", etc.

This is a textbook prohibited use of a settlement offer and negotiation effort being offered by Defendant's attorney to disprove the validity of a disputed claim – the exact type of use and behavior that Federal Rule of Evidence 408 was intended to prevent.

Having settled many cases similar to this, previous opposing counsels have never considered the opening offer to be "unconscionable," - evidenced by their making a counter-offer and settling the matter – something Defendant's counsel has chosen not to do. Defendant's clear violation of Federal Rule of Evidence 408 fits a pattern of personal, collateral attacks that he has made against Plaintiff and Plaintiff's counsel intended to shame Plaintiff and draw attention away from the Defendant's violations of the ADA and Defendant's clear intent not to remediate.

Plaintiff and Defendant have conferred by email on November 8, 2022 and Defendant is opposed to this motion.

Dated November 10, 2022.

Respectfully submitted,

By: /s/ Duncan Strickland
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CERTIFICATE OF SERVICE

In accordance with Texas Rule of Civil Procedure 21a, I certify that I served the foregoing document on November 10, 2022, on the following parties via CM/ECF:

/s/ Duncan Strickland

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CERTIFICATE OF CONFERENCE

On November 8, 2022, I conferred with James Harrington by email and he stated that Defendant is opposed to this Motion.

/s/ Duncan Strickland